

**LEGISLATIVE SERVICES AGENCY  
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

301 State House  
(317) 232-9855

**FISCAL IMPACT STATEMENT**

**LS 7903**

**BILL NUMBER: HB 1737**

**DATE PREPARED:** Jan 10, 2001

**BILL AMENDED:**

**SUBJECT:** Drunk Driving.

**FISCAL ANALYST:** Sherry Fontaine

**PHONE NUMBER:** 232-9867

**FUNDS AFFECTED:** X GENERAL  
X DEDICATED  
FEDERAL

**IMPACT:** State & Local

**Summary of Legislation:** This bill establishes the crime of operating while intoxicated with at least one child under the age of 18 in the vehicle. The bill makes the offense a nonsuspendable Class D felony.

It provides that a person whose license was suspended following a conviction of operating while intoxicated with at least one child in the vehicle, operating while intoxicated with one previous conviction, and operating with an alcohol concentration greater than 0.15% may not obtain a probationary license. This bill requires lifetime license suspension for persons convicted of operating while intoxicated causing death and for a third or subsequent operating while intoxicated conviction. It also reduces the availability of hardship licenses for persons with lifetime license suspensions. It increases mandatory jail time for various alcohol offenses.

**Effective Date:** July 1, 2001.

**Explanation of State Expenditures:** This bill makes the crime of operating while intoxicated with at least one child under the age of 18 in the vehicle a nonsuspendable Class D felony and makes it a Class C felony if the individual has two prior unrelated convictions for this offense. The bill also increases the penalty from a Class C to a Class B felony for a person who causes the death of another person while driving while intoxicated as specified in this bill.

The bill provides for a range of penalties for suspension of an individual's driver license for offenses related to driving while intoxicated. It also increases mandatory jail time for various alcohol related offenses.

State expenditures would increase if an offender is incarcerated in a state prison for a longer period of time. A Class C felony is punishable by a prison term ranging between two to eight years, depending upon mitigating and aggravating circumstances. A Class B felony is punishable by a prison term ranging from six to twenty years. A Class D felony is punishable by a prison term ranging from six months to three years or reduction to Class A misdemeanor depending upon mitigating and aggravating circumstances. The average

expenditure to house an adult offender was \$20,700 in FY 1999. Individual facility expenditures ranged from \$14,936 to \$37,807. (This does not include the cost of new construction.) If offenders can be housed in existing facilities with no additional staff, the average cost for medical care, food, and clothing is approximately \$1,825 annually or \$5 daily per prisoner. The average length of stay in DOC facilities for all Class B felony offenders is approximately three years, six months, for all Class C felony offenders it is approximately two years, and for all Class D felony offenders it is approximately ten months.

**Explanation of State Revenues:** If additional court cases occur and fines are collected, revenue to both the Common School Fund and the state General Fund would increase. The maximum fine for a Class B, C, or D felony is \$10,000. Criminal fines are deposited in the Common School Fund. If the case is filed in a circuit, superior or county court, 70% of the \$120 court fee that is assessed and collected when a guilty verdict is entered would be deposited in the state General Fund. If the case is filed in a city or town court, 55% of the fee would be deposited in the state General Fund.

**Explanation of Local Expenditures:** If more defendants are detained in county jails prior to their court hearings, local expenditures for jail operations may increase. The average cost per day is approximately \$44.

**Explanation of Local Revenues:** If additional court actions occur and a guilty verdict is entered, local governments would receive revenue from the following sources: (1) The county general fund would receive 27% of the \$120 court fee that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of court fees. (2) A \$3 fee would be assessed and, if collected, would be deposited into the county law enforcement continuing education fund. (3) A \$2 jury fee is assessed and, if collected, would be deposited into the county user fee fund to supplement the compensation of jury members. No additional revenues would be expected from increasing the penalty from a Class C to a Class B felony since the court fees for Class C and Class B are both \$120

**State Agencies Affected:** Bureau of Motor Vehicles; Department of Correction.

**Local Agencies Affected:** Trial courts, local law enforcement agencies.

**Information Sources:** Indiana Sheriffs Association, Department of Correction.